

REMARKS

The Office examined claims 1-40, allowed claims 1-20, 25, 28 and 31-24, and rejected claims 21-24, 26, 27, 29, 30 and 35-40. With this paper, various of the claims are amended, none are cancelled and none are added. Claims 1-40 are thus still pending.

Changes to the claims other than in response to the Office action

With this paper, claims 3, 5, 7, 26, 29 are changed to clarify the invention as claimed there. These claims are directed to the signaling described at page 13, ll. 9-31, which refers to Fig. 4. More specifically, claim 3 is directed to the step 42 shown in Fig. 4 in which a preamble symbol is provided as the indication symbol, and claim 5 is directed to the step 43 in which a postamble is provided as the indication symbol. Claims 26 and 29 are also directed to the step 42 where a preamble signal is provided as the indication symbol. Claim 7 is to an embodiment encompassed by claim 5 in which more than one indication symbol is provided.

Claim Rejections under 35 USC §112

At section 4 of the Office action, claims 21-24, 26-27, 29-30, and 36-37 are rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this paper, the claims are changed in a way believed to obviate the grounds for the rejections. Applicant therefore respectfully requests the rejections be withdrawn and claims be allowed.

Claim Rejections under 35 USC §102

Claims 35-40 are rejected under 35 USC §102(a) as being anticipated by Terry et al. (US 2004/0004954).

Independent claim 35 recites a method in which a signal-transmitting entity transmits in a current time interval either a payload message including one or more payload symbols from a set of possible payload symbols for indicating signaling information, or one or more indication symbols each differing from each of the possible payload symbols.

The Examiner, in rejecting claim 35, equates the payload symbols recited in the claim to the CQI signals referred to in Terry, and the indication symbols recited in the claim to the TSN signals referred to by Terry, and refers to ll. 6-7 of par. [0051] of Terry which discloses that: "[t]he TSN field is sent when the timeslots (i.e., pre-configured) are not used to transmit the CQI field." The Examiner then asserts that: "the signal receiving entity must be able to distinguish between these two types of information and thus the indication symbols (TSN field) differ from the payload symbols [CQI field]."

Applicant respectfully submits that the assertion of the Office action notwithstanding, Terry in fact teaches away from using different symbols for the payload symbols compared to the symbols used for the indication symbols. In order for the receiving device to distinguish having received a CQI symbol instead of a TSN symbol in the field used to convey either one or the other, Terry teaches, at (lines 16-17 of paragraph 46), that, "By adding a single bit, the Node B 615 can differentiate whether the field contains the CQI or a TSN report." Therefore, Terry teaches that a CQI symbol can be the same as a TSN symbol, otherwise the added bit would not be necessary. Now using a single additional bit to indicate which information a field conveys is one way to do so, and using different sets of symbols as in claim 35 is another. (Terry apparently teaches another way at par. [0051]: sending the TSN field or the CQI field in a timeslot according to a predetermined schedule known to

both the UE and the Node B, so that a schedule is the basis for distinguishing, not different sets of symbols as in claim 35.) Therefore, applicant respectfully submits that the Office cannot assert that since the signal receiving entity must be able to distinguish which field is in a time slot--the TSN field or the CQI field--one has to conclude that "the indication symbols (TSN field) differ from the payload symbols."

Applicant therefore respectfully requests that the rejections under 35 USC §102(e) of claim 35 be reconsidered and withdrawn.

In addition, applicant respectfully requests that the rejections of claims 36-40, being dependent upon claim 35, also be reconsidered and withdrawn.

Conclusion

It is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited.

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